

to take a decision on the draft resolution at the current meeting. He asked the sponsors of the draft resolution to hold consultations with the proposers of modifica-

tions with a view to producing a revised text as soon as possible.

The meeting rose at 1.05 p.m.

1439th meeting

Thursday, 15 November 1973, at 3.30 p.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico)

A/C.6/SR.1439

AGENDA ITEM 95

Report of the Special Committee on the Question of Defining Aggression (A/9019)

1. The CHAIRMAN appealed to members of the Committee to maintain the tradition they had always observed by adhering exclusively to the legal aspects of the question of defining aggression and refraining from mentioning any specific cases which were politically explosive at the present time. He also reminded the Committee that it should conclude its debate on the question by adopting a draft resolution which would at least call for the renewal of the mandate of the Special Committee on the Question of Defining Aggression.

2. The list of speakers wishing to take part in the debate would be closed at 1 p.m. on 16 November.

3. He then invited the Rapporteur of the Special Committee on the Question of Defining Aggression to present its report on the work of its 1973 session (A/9019).

4. Mr. KARASSIMEONOV (Bulgaria), Rapporteur of the Special Committee on the Question of Defining Aggression, which had met at Geneva from 25 April to 30 May 1973 in accordance with General Assembly resolution 2967 (XXVII), introduced its report.

5. The introduction to the report contained the text of General Assembly resolution 2967 (XXVII), a list of the officers elected by the Special Committee and the agenda that it had adopted. It was also stated that the Special Committee had decided to establish a Working Group open to all delegations with the same rights of participation and decision. In section II, it was pointed out that the Special Committee had had before it the three main proposals submitted to it at its 1969 session, namely, the draft of the Soviet Union, the 13-Power draft and the 6-Power draft, reproduced in annex I to the report. In section III there was a very concise summary of the Committee's debate on the Working Group's report, which document appeared in annex II to the report. With a view to achieving positive results, the Working Group, presided over by Mr. Broms, the representative of Finland, had decided to set up four contact groups to discuss and to reach compromise on the most difficult problems. A drafting group had also been established, to prepare a draft preamble and to examine other drafting questions.

Nearly all the delegations had taken part in one or more contact groups and had thus contributed to the positive results achieved. The main positive result was that during that session it had been possible for the first time to prepare a consolidated text of the reports of the contact groups and of the drafting group. That text comprised a preamble and seven articles and, in the opinion of a large majority of the Special Committee, represented a consensus on several important clauses of the draft definition. The feeling of optimism concerning the results achieved was reflected in the Special Committee's report, especially in paragraph 12, where it was stated that the atmosphere had been much better and that much more willingness had been demonstrated to find a compromise definition. A final effort should be made to reach a compromise on certain important points, but the change of atmosphere should enable the Special Committee to accomplish its task.

6. The consolidated text of the reports of the contact groups and of the drafting group included a preamble on which a consensus had practically been reached. Moreover, the following components of a definition had been incorporated in the provisional articles: a general definition of aggression, questions of priority and aggressive intent, acts constituting acts of aggression, a provision on the non-exhaustive character of the list and the clause on minor incidents, the right of peoples to self-determination, the legal consequences of aggression and legal uses of force, including the question of centralization, under which no consideration of whatever nature, whether political, economic, military or otherwise, might serve as a justification for aggression.

7. Section IV of the report reproduced the resolution adopted by the Special Committee. In the preamble, the Special Committee stressed the common desire of its members to complete their work on the basis of the results attained and its belief that the progress achieved made it a practical possibility for it to elaborate a generally acceptable definition of aggression at its next session. In those circumstances, it seemed perfectly justifiable for the Special Committee to recommend that the General Assembly should invite it to resume its work in order to accomplish the task that had been entrusted to it six years previously. Never had the Special Committee on the Question of Defining Aggression been so close to completing its work.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons (*continued*)* (A/8710/Rev.1, chap.III; A/9127 and Add.1, A/C.6/421, A/C.6/L.898, A/C.6/L.902, A/C.6/L.903, A/C.6/L.905-910/Rev.1, A/C.6/L.911, A/C.6/L.912/Rev.1, A/C.6/L.913, A/C.6/L.917, A/C.6/L.919/Rev.1, A/C.6/L.928-930, A/C.6/L.932-940, A/C.6/L.944 and Add.1, A/C.6/L.945-951 and Corr.1, A/C.6/L.953-956)

8. Mr. MAÏGA (Mali), speaking on behalf of 35 delegations, introduced a new draft article (A/C.6/L.951 and Corr.1) to be incorporated in the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons, set forth in document A/8710/Rev.1, chapter III. The existing draft convention, based on the Conventions of The Hague and Montreal, dealt with only one aspect of a broader problem, namely, the perpetration of acts of terrorism. No one could approve of violence, wherever it might be committed, especially if it endangered innocent human lives. Mali greatly deplored all attacks of which diplomatic agents might be the victims; it did not only protect diplomats, but also scrupulously applied the international conventions on diplomatic immunity to which it was a party. It believed that strict application of those conventions was the best way of protecting diplomats.

9. Nevertheless, many African countries were afraid that the proposed convention might serve as a pretext for colonialist and racist regimes to intensify the suppression of the national liberation movements recognized in various United Nations decisions and resolutions. They feared that the convention, without the article they proposed, might become an additional factor of instability and might hamper the fulfilment of the purposes and principles of the Charter. That concern had prompted the African delegations to submit the new article which reaffirmed the inalienable right to self-determination and independence of all peoples subjected to colonialist and racist regimes and all other forms of foreign domination and, consequently, affirmed the legitimacy of the struggle carried on by the national liberation movements. He pointed out that the same concern had caused the General Assembly to reaffirm the legitimacy of the struggle of the national liberation movements in its resolution 3034 (XXVII) on international terrorism.

10. The countries of Africa were deeply concerned by the protection of diplomats, but were also anxious to ensure the protection of the national liberation movements. The adoption of the article which they proposed would dispel all the fears of the African delegations concerning the use that might be made of the future convention.

11. Mr. GHARBI (Morocco) said that the new article proposed by 35 delegations of African and of other non-aligned countries would certainly come as no surprise to those who had already heard many African delegations express their apprehension concerning the draft convention during the twenty-seventh

session. At that time, however, after weighing the advantages and the disadvantages, those delegations had decided to vote for resolution 2926 (XXVII) instructing the General Assembly to prepare a draft convention to supplement the Vienna Convention on Diplomatic Relations and apparently to secure the effective protection of the agents of peaceful international relations. Despite their apprehensions, those delegations had loyally observed the rules of parliamentary diplomacy and had, in a sense, helped to speed up the debate by their silent acquiescence.

12. The purpose of the sponsors of the proposal in document A/C.6/L.951 and Corr.1 was in fact to persuade the Sixth Committee to give itself time to reflect before adopting a draft convention which, however technically excellent it might be, could not be legally sound if it overtly ran counter to the basic principles and ideas on which the United Nations was founded.

13. Indeed, 28 years after the San Francisco Charter had brought mankind the hope of a new international order, it might well be asked whether that Charter was really the most fundamental and the most solemn treaty that bound the international community, or whether it was merely a kind of declaration of principles expressing a series of pious hopes.

14. The modern world was, willingly or unwillingly, witnessing the development of certain fundamental doctrines of international law. Quite recently, the General Assembly had been the scene of what was an undeniable development in international law when it had decided that Guinea-Bissau could forthwith accede to Statehood and that the presence of colonialist forces on its territory was no more or less than foreign aggression properly so called. Of course, that decision was still being contested by a certain number of Member States. Nevertheless, the fact remained that an overwhelming majority of the international community had clearly expressed its impatience at the world situation.

15. It was certainly not his intention to underestimate the need to ensure friendly relations between States by providing effective protection for their representatives, who were evidently a most vulnerable target for the rebels without a cause. But when it came to self-determination and the recognized sacred rights of the peoples suffering under colonialism, foreign domination or racial discrimination and *apartheid*, a line must be drawn. No assurance should be extended to States which perpetuated subjugation and humiliation 28 years after the promulgation of the Charter, in spite and in contempt of all the condemnations they had incurred and of the countless appeals addressed to them in vain by the United Nations. His delegation could not, by acceding to the convention, subscribe to what for those States would be tantamount to insurance against "all risks". The risks their governmental agents might run might very well be of their own doing.

16. One might well ask whether in some instances the diplomatic staff of those States was not a veritable task force for the extermination of the leaders of the oppressed peoples. It would no doubt be recalled that not long ago half a dozen accredited diplomats from one of those States had arrogantly proclaimed their

*Resumed from the 1437th meeting.

open insurrection against the United Nations. Those half-time diplomats were now in prison awaiting trial for the assassination of a Moroccan national in a Scandinavian country. That was only one example among many, for in the space of but one year many leaders of the liberation movements had fallen victim to acts of that kind. One could not forget the mass murder of the leaders of a homeless people, to whom even the name of people was denied.

17. His delegation had no intention whatever of giving those States the comfort of a situation which would enable them to perpetuate the *status quo*, for they would be only too glad to use, as often as they wished, one more weapon against the liberation movements of the people whose rights they were trampling underfoot. The still vacant seats in the chambers of the United Nations were in actuality haunted with the shadows of those nations suffering frustration in their aspirations for freedom and independence. The representatives of many small countries could not forget that a few years ago their own leaders had been in gaol or in exile and their peoples had experienced intolerable exploitation and humiliation while the liberation movements kept knocking at the door of the United Nations begging the international community for help and recognition. He wondered whether the European countries had forgotten their own experience of unflagging resistance against foreign oppression during the Second World War and whether there was a different set of values for Western Europe and Eastern Europe in 1943 and 1944 and for Africa and the Middle East in 1973 and 1974.

18. In the feud between the colonialist and militarist States and the peoples they had dispossessed of their national rights, the least the international community could do would be not to make the terms of the struggle even more unequal. It would be banal to say that the United Nations would not fulfil its vocation as long as there were nations victimized by colonialism, foreign occupation, racial discrimination and *apartheid*. On the occasion of the adoption of the draft convention now being prepared, the United Nations could not escape its responsibilities towards those peoples without betraying its basic principles and ideals. It was also necessary to ensure that the Sixth Committee did not ignore what the political committees were doing, just as the right hand of the Lord ignored what the left hand was doing.

19. If the draft convention was planned in good faith, its purpose could not be to organize and to legalize a global hunt against the liberation movements fighting desperately for the recognition of their peoples' rights. Claiming that the inclusion of the article proposed in document A/C.6/L.951 and Corr.1 would be contrary to the purpose of the draft convention was tantamount to admitting that the draft was aimed at stemming the liberation movements of the peoples fighting for their right of self-determination. It had already been pointed out that the future convention would be something other than a codification instrument, such as the Vienna Convention on Diplomatic Relations. It was, moreover, well understood that the future convention would not and should not affect

any of the provisions of the Vienna Convention. The innovative character of the draft was obvious. It was, in fact, perhaps one of the first concrete steps taken towards the development of an international penal law. That alone should make the Committee carefully ponder its decision, for every penal code made allowance for self-defence and the effect of extenuating circumstances. It would be inconceivable not to allow for the special case of those who were fighting to recover the rights granted to all nations under the Charter. It would be a very great sin of omission if the international community, because of the stalemate between sovereign States that was paralysing the Organization in many fields, irrevocably forsook the oppressed peoples who had no other refuge than the United Nations.

20. The CHAIRMAN said that he was continuing his consultations on that matter with the various regional groups and that he would persevere in that effort as long as he was needed, since it was desirable that the convention should be accepted by the largest possible number of States.

21. Mr. RASHID (Afghanistan) said that his delegation supported the inclusion in the draft convention of the new article proposed in document A/C.6/L.951 and Corr.1. In general, the Sixth Committee should always conduct its work bearing in mind the purposes and principles laid down in the Charter of the United Nations and having regard to the resolutions adopted by the General Assembly in fulfilment of the ideals and provisions of the Charter.

22. The new draft article demonstrated that his delegation was not alone in its concern that the convention being prepared by the Sixth Committee might be viewed as a text designed to counteract the legitimate national liberation movements or even as a conspiracy of sovereign States to provide highly effective protection for their diplomats to the detriment of the sacred cause of the liberation movements. That was certainly not the intention of the overwhelming majority of the members of the Committee, and it was therefore important not to create the wrong impression.

23. It would be recalled that in resolution 3034 (XXVII), the purpose of which was to prevent international terrorism which endangered or took innocent human lives or jeopardized fundamental freedoms, the General Assembly had already taken into consideration some of the essential aspects to which, within a world-wide organization like the United Nations, more subtle solutions must be found than punishment pure and simple; that was to say, the underlying causes of terrorism must first be studied. After urging States to find just and peaceful solutions for the eradication of terrorism, that resolution reaffirmed, in paragraph 3, the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination and upheld the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations. Paragraph 4 of that resolution condemned the continuation of repressive and

terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms.

24. In view of the respect thus proclaimed by the General Assembly for the sacred aspirations of peoples, every effort must be made to ensure that the draft convention being prepared would not be interpreted as an attempt to distort and misconstrue the principles proclaimed in resolution 3034 (XXVII). His delegation was even more disturbed about the text of the draft because it failed to draw any distinction in respect of motive. It should be noted, however, that most legal systems in the world drew a fundamental distinction between political motives and non-political motives leading to the commission of an offence. It would be recalled that at the preceding session his delegation had proposed the inclusion of such a distinction in the draft articles. Consideration should also be given to the important qualification concerning the exercise of the right of asylum and the consequences of the obligation placed upon States parties to prosecute or extradite offenders.

25. His delegation was, of course, in favour of protecting the persons covered by the draft convention, which was indeed in the interest of the peoples fighting for their freedom, for persons thus protected must be able to act by diplomatic means to assist in the liberation of peoples without having to be in fear of being attacked while performing their duties. That was a *quid pro quo* which would appear to be justified. Nevertheless, every care must be taken to ensure that the oppressed peoples would not regard the future instrument as the first element in a concert of pernicious efforts aimed at extirpating the anti-colonialist struggle and impeding the affirmation of the fundamental rights of the enslaved. It was therefore essential for the Sixth Committee to include the article proposed in document A/C.6/L.951 and Corr.1 in the draft convention, in order to remove any ambiguity and to allay the concerns and apprehensions that had been expressed.

26. In addition, his delegation had proposed an amendment (A/C.6/L.956) to that document which consisted in adding the words "alien domination" between "colonialism" and "foreign occupation". The purpose of that proposal was merely to complete the wording of the new draft article and to give it more substance. Moreover, it would be recalled that the words "alien domination" had appeared in many General Assembly resolutions—e.g. resolution 3034 (XXVII)—relating to various aspects of the activity or objectives of the United Nations, particularly in questions concerning self-determination. The inclusion of that term should not pose any problem for the adoption of the new article in whatever form it might assume. Finally, it should be pointed out that document A/C.6/L.951 and Corr.1 was of exceptional importance to many delegations, since the provisions of the new article were not only legitimate but also legal, at least within the framework of the legal system established by the United Nations since its founding. In order to encourage ratification of the convention by the largest possible number of States and permit

its speedy entry into force, the Sixth Committee should try to eliminate any ambiguity and state specifically that the draft convention was not intended to suppress the aspirations of peoples whose position was that indicated in document A/C.6/L.951 and Corr.1. Afghanistan, which had been one of the first countries to struggle against foreign domination and against inequality, could not endorse any draft convention, multilateral treaty, international understanding or resolution which undermined the basic ideas expressed in the proposed new article. No legal system whose aim or effect was to harm the struggle of peoples for their legitimate, sacred rights could be endorsed by his delegation. Accordingly, if the Sixth Committee could not agree to proclaim in the future convention the principles set out in document A/C.6/L.951 and Corr.1, his delegation would be obliged to express the most serious reservations regarding the entire draft.

27. Mrs. HO Li-liang (China) said that her country had always condemned the types of terrorism covered by the draft convention. Her delegation had already pointed out (1327th meeting) at the previous session that the colonialist and imperialist régimes and those who practised racial discrimination or espoused zionism could take advantage of certain articles in the draft in order to hinder national liberation movements. She therefore supported the new article proposed in document A/C.6/L.951 and Corr.1.

28. The CHAIRMAN announced that Qatar had joined the sponsors of document A/C.6/L.951 and Corr.1.

Article 11 bis

29. The CHAIRMAN invited members of the Committee to continue their consideration of the draft articles adopted by the Drafting Committee and asked the Chairman of the Drafting Committee to introduce article 11 *bis* (A/C.6/L.944/Add.2).

30. Mr. ŠAHOVIĆ (Yugoslavia), Chairman of the Drafting Committee, said that in the article proposed by Bolivia that Committee had merely replaced the word "operation" by "application" in order to bring the text into line with the language normally used in the law of treaties. The expression "shall not affect" had also been slightly modified in the Russian version.

31. The Drafting Committee had considered a Guyanese representative's suggestion that the words "but a State Party to this Convention may not invoke" should be replaced by the words "and, in accordance with the general principles of law, a State Party to this Convention shall not invoke". Since that suggestion had raised a matter of substance and would have called into question the compromise which had resulted in article 11 *bis*, the Committee had decided not to adopt it.

32. Mr. BESSOU (France) said that the idea of including an article on asylum gave rise to the most serious reservations on the part of his delegation. Any provision of that kind would greatly limit the scope of the Convention. He requested a vote on article 11 *bis*.

33. Mr. ALVAREZ TABIO (Cuba) recalled that at the 1421st meeting, his delegation had supported the draft article on asylum proposed in document A/C.6/L.928, but the provisions of document A/C.6/L.944/

Add.2, which was a compromise, were contrary to the Cuban Constitution. He joined the representative of France in requesting a vote on article 11 *bis*.

34. Mr. SHITTA-BEY (Nigeria) noted that the Committee had already discussed the question of including an article on asylum. In order to avoid a new debate on the subject, the article under consideration should be put to the vote at the present meeting.

35. The CHAIRMAN, noting that the Nigerian representative's point of view was shared by a majority of the Committee's members, called for a vote on draft article 11 *bis* (A/C.6/L.944/Add.2).

36. Mr. SETTE CÂMARA (Brazil), speaking in explanation of his vote before the vote, recalled that, during the discussion of article 2 and of the draft article, proposed in document A/C.6/L.928, his delegation had already stated (1413th and 1421st meetings) that, although it attached great importance to the right of asylum, it felt that it would be an error to permit persons engaging in acts of terrorism to benefit from the generous and humanitarian principles on which the theory and practice of asylum were based. His country was a party to all the inter-American conventions on asylum; it observed their provisions and defended their enforcement within their proper scope, i.e. with regard to political crimes alone. Since the convention under consideration was based on the notion that crimes against diplomats and other internationally protected persons were common crimes, his delegation felt that the question of asylum had no place in the convention. Even though the Committee had decided to delete the words "regardless of motive" at the beginning of article 2, there was no question in the light of article 6, which imposed upon States the obligation of either extraditing or prosecuting without any exception whatsoever, that it was impossible to grant asylum to persons guilty of the crimes set forth in article 2; those were not political crimes, whereas it was precisely the political nature of a crime which was invoked in refusing extradition and granting asylum. His delegation regretted having to take a position that was at variance with the position of many other Latin American delegations, but it felt that the proposed article was unnecessary.

37. His delegation also feared that an escape clause on asylum would defeat the deterrent effects of the future convention and make Latin America a sanctuary for those who committed the very crimes whose prevention and punishment was sought. In most countries, including Brazil, internationally protected persons already enjoyed, in addition to that "international protection", the common protection that the State accorded to everyone. For example, an "attack" on a diplomatic agent, another internationally protected person or a member of his family was already a crime under the law of all States which would eventually become parties to the convention. If the notion of asylum was introduced for crimes committed against persons entitled to "international protection", that protection would be weakened and, at the same time, a special régime would be established in favour of persons committing such crimes. Indeed, an escape

clause on asylum would in effect discriminate against diplomatic agents and other internationally protected persons who were nationals of States parties to treaties on asylum. Only "acts of violence" committed against those persons would give the perpetrators of such acts the right to receive asylum. Under those circumstances, Latin American solidarity should hardly be invoked as a reason for accepting a clause of the kind proposed. As the representative of Colombia had pointed out (1421st meeting) with regard to the draft article on asylum submitted by 11 Latin American countries (A/C.6/L.928), none of those countries had ever invoked the procedures established in the treaties on asylum for persons guilty of the crimes covered by the draft convention. Furthermore, the representative of Bolivia had made it clear at the 1432nd meeting that in proposing a new article (see A/C.6/L.943) he was acting purely out of loyalty to a regional doctrine and that, under his country's laws, the crimes referred to in article 2 were already regarded as common crimes to which the right of asylum did not apply.

38. For all those reasons, he felt that inclusion of the notion of asylum in the convention might give rise to doubts as to whether or not persons committing the crimes in question could be regarded as entitled to asylum. His Government would therefore have to reserve its position on the draft article under consideration.

39. Mr. GARCIA ORTIZ (Ecuador) said that his delegation would vote for draft article 11 *bis* as adopted by the Drafting Committee (A/C.6/L.944/Add.2) even though it was not completely satisfactory. The wording of the second part of the article, in particular, left something to be desired. He requested a roll-call vote on the draft article.

40. Mr. SANDERS (Guyana) said that the reason his delegation had asked for the second part of article 11 *bis* to be redrafted was that it wished to make it clear that the article did not introduce anything new in general international law.

41. Mr. GHARBI (Morocco), noting that consultations were under way in the African Group and also between the African Group and other regional groups concerning the article under consideration, expressed the hope that the representative of Nigeria would not press for a vote on the article at the present meeting.

42. Mr. SHITTA-BEY (Nigeria) said that his suggestion had been intended merely to avoid a new debate on the substance and that he would not press for an immediate vote on article 11 *bis*.

43. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to defer any decision on article 11 *bis*.

It was so decided.

44. The CHAIRMAN, in reply to questions from Mr. CHARLES (Haiti) and Mr. ROSENSTOCK (United States of America), said that when the Committee returned to article 11 *bis* it would not start a new debate on the substance. Only explanations of vote would be permitted.

AGENDA ITEM 92

Report of the United Nations Commission on International Trade Law on the work of its sixth session (continued) (A/9017, A/C.6/L.901, A/C.6/L.952)

45. Mr. SAM (Ghana) said that the sponsors of the draft resolution A/C.6/L.952 concerning the report

of the United Nations Commission on International Trade Law were continuing their negotiations with the Argentine delegation. Since that delegation seemed prepared to agree to the proposals which had been submitted to it, the final text of the draft resolution should be ready in time for the next meeting.

The meeting rose at 5 p.m.

1440th meeting

Friday, 16 November 1973, at 11.05 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

A/C.6/SR.1440

AGENDA ITEM 92

Report of the United Nations Commission on International Trade Law on the work of its sixth session (continued) (A/9017, A/C.6/L.901, A/C.6/L.952/Rev.1)

1. Mr. SAM (Ghana), introducing draft resolution A/C.6/L.952/Rev.1, said that following the discussion of the original draft, about which various proposals had been submitted, consultations had been held with those primarily concerned, especially the delegation of Argentina, which had proposed the inclusion of an additional paragraph concerning multilateral enterprises. As a result, the revised draft resolution contained a new paragraph 6 (b), which recommended that the United Nations Commission on International Trade Law should continue to consider the legal problems presented by different kinds of multinational enterprises. That would show the Commission at its next session the importance which the Committee attached to the question of multilateral enterprises. He assured the Latin American delegations that the sponsors' original position concerning the results of work being carried on by other bodies in that field was well founded, but said that in a spirit of compromise they had agreed to omit any reference to such work.

2. A representative of the United States had in a recent address referred to the importance of multinational corporations, and to the study on that subject being undertaken at the United Nations by a group of 20 eminent persons. In that address he had mentioned the United Nations finding that over the past 20 years multinational operations had surpassed all other forms of international trade as a mechanism for the exchange of goods, services and technology. The sponsors had originally hoped that the Commission would look into the question of multinational corporations and examine the results of investigations carried out by other bodies, but they believed that the new paragraph 6 (b) would enable the Commission to pursue its work in that connexion.

3. At the request of the Australian delegation, paragraph 8 (a) had been amended to read "The six additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in subparagraph (c) below." He expressed

the hope that the Committee would be able to reach a unanimous consensus on the draft resolution.

4. Mr. AL-SABAH (Kuwait) said that the Asian group had misgivings about the proposed increase in the membership of the Commission. He had carefully considered the reasons given by the sponsors of draft resolution A/C.6/L.952/Rev.1 in favour of such an increase, but was not convinced by their explanations. The Asian group did not think that an increase in the membership would enhance the effectiveness of its work, but having considered the positions of the many groups concerned and the wishes of the members of the Commission, it agreed to go along with the proposed increase, and hoped that the work of the Commission would thereby be improved.

5. He considered that the distribution of seats proposed in the draft resolution was inequitable. Two additional seats were allotted to Africa, while Asia, Eastern Europe and Latin America each received one additional seat. However, although there were 35 countries in the Asian group and 24 in the Latin American group, those two groups had the same number of seats in the Commission. His delegation therefore proposed that paragraph 8 of the draft resolution should be amended to read as follows:

"8. *Decides* to increase the membership of the United Nations Commission on International Trade Law from twenty-nine to thirty-six in accordance with the following rules:

"(a) The seven additional members of the Commission shall be elected by the General Assembly for a term of six years, except as provided in subparagraph (c) below;

"(b) In electing the additional members, the General Assembly shall observe the following distribution of seats:

"(i) Two from African States;

"(ii) Two from Asian States;

"(iii) One from Eastern European States;

"(iv) One from Latin American States;

"(v) One from Western European and other States;

"(c) Of the additional members elected at the first election, to be held during the current session